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Applicants: LIAO HAI CHEN

Docket No.: S-94,756

Serial No.: 09/820,402

Examiner: MARY CEPERLEY

Filed : March 28, 2001

Art Unit: 1641

For : TUNING THE PROPERTIES OF CONJUGATED POLYELECTROLYTES
AND APPLICATION IN A BIOSENSOR PLATFORM

Commissioner for Patents
Washington, DC 20231

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Sir:

In response to the restriction requirement dated June 24, 2002 please consider the following remarks.

A petition and fee for a two-month extension of time is submitted separately.

As requested, an Information Disclosure Statement accompanies this election.

The election/restriction requirement has been carefully reviewed.

A restriction was required under 35 U.S.C. 121 to one of the following inventions:

Group I, claims 1-4 and 21, drawn to a product comprised of the reaction product of a polyelectrolyte monomer and a biological specific binding pair member-substituted polyelectrolyte monomer and a kit containing the product, classified based on the type

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

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Bruce H. Cottrell

Signature

Date August 29, 2002

Bruce H. Cottrell
(type or print name of person certifying)

of monomer and type of specific binding pair member; Group II, claims 5-20, drawn to a product comprised of an ionic conjugated polymer and a specific binding pair member-substituted polyelectrolyte, a method of using the product, and a sensor comprising the product, classified based on the type of monomer and type of specific binding pair member; and, Group III, claims 22 and 23, drawn to a process of tuning the fluorescent properties of an ionic conjugated polymer.

The Office Action stated that Groups I and III were related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP 806.05(h)). In the instant case, the product of I could be used as a binding agent for determining an analyte by means of an immunoassay or as an agent to remove a species from a sample based on an affinity chromatography method. Inventions I and II were stated to be unrelated as the inventions involve chemically and functionally different moieties.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, and would require a burdensome search since the searches for the different inventions are not coextensive, restriction for examination purposes as indicated is proper.

Applicant hereby elects to prosecute the claims of Group I, i.e., claims 1-4 and 21, without traverse.

The Office Action further stated that the claims are generic to a plurality of disclosed patentably distinct species. Applicant queries what "Invention IV" is being referred to in paragraph 6 of the Office Action.

Applicant was required under 35 U.S.C. 121 to elect a single disclosed species of "polyeletrolyte monomer" for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant hereby elects as the single disclosed species the monomer of poly(diallyldimethylammonium chloride), such a monomer shown as (1) in scheme 1 at

page 9 of the specification and in example 5. Claims 1-4 and 21 each read upon the elected species.

Respectfully submitted,

Date: August 29, 2002

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